IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

S.B. CIVIL WRIT PETITION NO. 4629/2005
(Ashok Kumar Chanwaria Vs. State of Rajasthan & Anr.)

Date of Order : 10/05/2007

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. Ravindra Paliwal for the petitioner.
Mr. K.L.Thakur, Addl. Advocate General for resopndent No.1
Mr. J.P.Joshi for the respondent No.2 RPSC.

**BY THE COURT**:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to quash the advertisement Annex.4 dated 22.3.2005 and a direction to the respondents to appoint him on the pot of Assistant Public Prosecutor Gr.II pursuant to Annex.1 dated 01.3.2002.

The facts and circumstances giving rise to the instant writ petition are that the petitioner is a Law Graduate and is a practicing lawyer. The respondent No.2 advertised the post of Assistant Public Prosecutor Gr.II vide advertisement No. 5/2001-02 dated 19.2.2002 (Annex.1). The petitioner applied for the said post. He cleared the screening test and was called for interview. However, the petitioner was not selected. Thereafter

the respondents again advertised the posts vide Annex.4 dated 22.3.2005 to fill up the vacancies of Assistant Public Prosecutor Gr.II including the vacancies reserved for the members of the SC/ST as also backlog vacancies. In pursuance of the advertisement Annex.4, the selection was held for the year 2004-05 and the eligible persons were selected and appointed on the post of Assistant Public Prosecutor Gr.II including the members of the SC/ST.

The State in its reply specifically came with a case that up to the year 2004-05, all backlog vacancies were carried forward and advertised vide Annex.4 and in pursuance thereof, all backlog vacancies have been filled and therefore, there remains no backlog vacancy up to 2004-05.

The petitioner claims appointment against the vacancies for the year 2001-02. No posts for SC/ST have been left unfilled since the backlog vacancies reserved for the SC/ST have been carried forwards and filled by subsequent advertisement and the persons selected in pursuance of Annex.4, have already been given appointment. The selection process and the advertisement cannot be quashed without impleading the persons who have already been selected and appointed. Even otherwise, the petitioner has no case for the reason that the backlog vacancies have been carried forward up to 2004-05 and have been filled by proper process of selection

from the class for which it was meant for. In the circumstances therefore, I do not find any merit in the writ petition. The writ petition is therefore, dismissed. Stay petition also stands dismissed. No order as to costs.

**(H.R.PANWAR),J.**

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